

# COUNTY OF YORK

## MEMORANDUM

**DATE:** January 16, 2004 (BOS Mtg. 2/3/04)

**TO:** York County Board of Supervisors

**FROM:** James O. McReynolds, County Administrator

**SUBJECT:** Application No. SE-9-04, Church of Jesus Christ of Latter Day Saints

### **ISSUE**

This application requests a Special Exception, pursuant to Section 24.1-231(b) of the Zoning Ordinance, to the height limitations in the Rural Residential zoning district to allow the addition of a 40' steeple to an existing church located at 2017 Newman Road (Route 646). The parcel is located approximately 172 feet west of the intersection of Newman Road and Kingsgate Road (Route 1616) and is further identified as Assessor's Parcel Nos. 2G-32A-1A.

### **DESCRIPTION**

- Property Owner: Church of Jesus Christ of Latter Day Saints
- Location: 2017 Newman Road (Route 646)
- Area: 2.76 acres
- Frontage: Approximately 520 feet on Newman Road
- Utilities: Public water and sewer service are available to the property
- Topography: Mostly flat
- 2015 Land Use Map Designation: Low Density Residential
- Zoning Classification: RR – Rural Residential
- Existing Development: Church
- Surrounding Development:

North: Single family detached home

East: Single family detached home

South: Single family detached homes (across Newman Road)

West: Nonconforming residential uses

- Proposed Development: Addition of a 36'-40' steeple on top of an existing church building

## **CONSIDERATIONS/CONCLUSIONS**

1. The subject church is located on a 2.76-acre parcel in Lightfoot on Newman Road approximately 1,500 feet (0.28 mile) east of the I-64/Route 199/Route 646 interchange. The Comprehensive Plan designates this property for Low Density Residential uses, and the property is zoned RR (Rural Residential). The maximum building height in the RR zoning district is 40 feet for single-family detached homes and 35 feet for all other permitted and special uses, including churches. This application seeks an exemption to this height limitation to allow the addition of a 36' to 40' steeple on the roof of the church. The steeple would replace an existing freestanding spire of unknown height located in the church's front yard.
2. Historically, according to *American Land Planning Law*, the "primary purpose of height restrictions is to protect light and air, and a secondary purpose is aesthetic. In accordance with both reasons, it is almost universal practice to exempt from such restrictions a few kinds of structures which – because they are very thin, or relatively inconspicuous, or familiar and rather attractive – do not interfere with such purposes. Most zoning ordinances therefore exempt from any height restrictions such structures as church spires and steeples..."<sup>1</sup> Although York County does not exempt church spires entirely, it does provide for administrative exemptions up to a certain height limit and for legislative (i.e., Board of Supervisors) exemptions above that limit. Specifically, Section 24.1-231 of the Zoning Ordinance states that church spires (as well as belfries, cupolas, chimneys, etc.) can be permitted administratively to exceed the height stipulated in the district regulations by no more than twenty-five percent (25%) if attached to a building, or to a maximum of one hundred feet (100') if free-standing. Height exemptions greater than 25% can be approved only by the Board after conducting a duly advertised public hearing. In granting such an exemption, the Board may impose reasonable conditions, and no exemption may be granted that violates the terms of the Airport Safety Management (ASM) overlay district. Under these restrictions, the Zoning Administrator can approve a height waiver for the church up to a maximum of 8' 9" (25% of 35 feet). Since the proposed steeple height is 36' to 40', a Special Exception is required.
3. Items to consider in evaluating a height waiver request include the height of the proposed structure, the size of the lot on which it is located, and both the character and the proximity of nearby development. The height of the existing church building is 28 feet, so with the steeple, the height would increase to a maximum of 68 feet. According to drawings submitted by the applicant, the base of the steeple would be approximately 11' 7" high and would measure 8' 4" wide by 8' 4" deep. The height of the spire would be approximately 28 feet. The church is a 13,500-square foot building located on a 2.76-acre lot in a residential area, surrounded by the Banbury Cross subdivision and, across Newman Road, the Skimino Hills subdivision. The nearest home is approximately 133 feet to the east and is well buff-

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<sup>1</sup> Norman Williams, Jr., *American Land Planning Law*, vol. 3 (Chicago: Callaghan & Company, 1975) 190.

ered from the church by existing vegetation (all of it located on the residential property). Churches are generally considered to be compatible with residential development; for this reason they are permitted as a matter of right in all of the County's residential zoning districts. Under these circumstances, it appears that compatibility of the church with the surrounding area will not be adversely affected by the increase in building bulk (the relationship of the size and shape of the building to the parcel on which it sits) caused by the construction of a steeple; indeed, it appears that it will be an attractive addition.

### **RECOMMENDATION**

I believe that the construction of a 40-foot steeple atop a 28-foot church building will not detract in any way from the character of the surrounding low-density residential area, nor will it violate the provisions of the Airport Safety Management overlay district. Therefore, based on the considerations and conclusions as noted, I recommend that the Board approve this application through the adoption of proposed Resolution No. R04-9.

Carter/3337:TCC

Attachments

- Zoning Map
- Vicinity Map
- Building elevation and construction plans
- Photos of the subject property
- Proposed Resolution No. R04-9